



Administrative Policies and Procedures: 15.11

Subject:	Adoption Assistance
Authority:	TCA 36-1-101 et. Seq.; 36-1-102-(5); 37-5-106
Standards:	DCS 2-102 A, 2-104 A, 2-501, 2-600
Application	DCS Regional Foster Care Staff

Policy Statement:

Children who are legally free, are being adopted and meet the criteria of special needs will be eligible to receive adoption assistance, based on the documentation of need, so long as funds are available.

Purpose:

Adoption Assistance monthly maintenance payments help defray some of the cost of caring for a child who has special needs. It should be utilized to meet the child's special needs for services not covered by private insurance or TennCare. This policy is to inform staff and resource families of the basic eligibility criteria, the process of applying for adoption assistance, and maintaining the adoption assistance payments.

Procedures:

A. Criteria for Adoption Assistance Eligibility

1. In order for a child to be eligible for Adoption Assistance the child must meet the following guidelines:
 - a) There must be proof that the child cannot be placed with adoptive parents without providing adoption assistance under this section;
 - b) The child must have been in the custody or guardianship of the Department of Children's Services (DCS) and/or a TN Licensed Child Placing Agency immediately prior to the initiation of the adoption proceedings;
 - c) The child must be under the age of eighteen (18);
 - d) The child must be legally free for adoption;
 - e) The child meets the criteria for special needs.
2. One or more of the following factors or conditions must exist which classify the child as being a child with "special needs":
 - a) The child is a part of a sibling group of two (2) or more children who are placed together in one family, at the same time, for the purpose of adoption. This criteria also extends to a child adopted in the future who will be joining a biological sibling group;

	<ul style="list-style-type: none"> b) The child is of minority heritage, age 2 years or over; c) The child is Caucasian, age 9 or over; d) The child's life experiences include three (3) or more years in Tennessee DCS state custody; e) The child's life experiences include neglect, physical abuse and or sexual abuse which rises to the level of severe abuse as defined by <i>Tennessee Code Annotated (TCA) 37-1-102 (21)</i> and as indicated by DCS or adjudicated by a court. <i>TCA 37-1-102 (21)</i> defines severe abuse as follows: <ul style="list-style-type: none"> ◆ The knowing exposure of a child to or the knowing failure to protect a child from abuse or neglect that is likely to cause great bodily harm or death and the knowing use of force on a child that is likely to cause great bodily harm or death; ◆ Specific brutality, abuse or neglect towards a child that in the opinion of qualified experts has caused or will reasonably be expected to produce severe psychosis, severe neurotic disorder, severe depression, severe developmental delay or retardation, or severe impairment of the child's ability to function adequately in the child's environment, and the knowing failure to protect a child from such conduct; ◆ The commission of any act towards the child prohibited by TCA 39-13-502 - 39-13-504, 39-13-522, 39-15-302, and 39-17-1005 or the knowing failure to protect the child from the commission of any such act towards the child; or ◆ Knowingly allowing a child to be present within a structure where the act of creating methamphetamine, as that substance is identified in § 39-17-408(d)(2), is occurring; f) The child has a moderate to severe medical, physical or psychological condition, diagnosed by a licensed physician, psychologist or licensed mental health professional <u>and</u> the identified condition requires treatment.
B. Criteria for Deferred Assistance	<ol style="list-style-type: none"> 1. Deferred Adoption Assistance is reserved for children at high risk of developing, in the future, significant medical, psychological, emotional or behavioral issues due to their past history. 2. Documentation outlining the risk factors and potential conditions associated with the identified risks, as determined by a physician, psychiatrist, psychologist or licensed clinical social worker, must be submitted to request Deferred Adoption Assistance; However, no payments or services available until Adoption Assistance is activated. 3. If the child appears to have developed symptoms connected to the identified risks, a collection of current documentation must be completed by the adoptive parents to be submitted for review by departmental staff. 4. The documentation must be submitted to the Adoption Assistance Designee for departmental review to determine the appropriateness of initiating

	<p>Adoption Assistance monthly maintenance payments.</p> <p>5. If a child who had a deferred agreement for Adoption Assistance becomes eligible for Adoption Assistance maintenance payment, no retroactive payments or services can be made.</p> <p>6. A family, whose child is eligible for deferred adoption assistance, can request non-recurring expenses to be paid and may be eligible for TennCare based upon family income.</p>
<p>C. Determining Funding Source</p>	<p>1. A child who is Title IV-E eligible in foster care can have their adoption assistance funded through Title IV-E if:</p> <ul style="list-style-type: none"> a) The child meets the special needs criteria as outlined in <i>Section A</i> of this policy; b) The Child Welfare Benefits Unit determined that the child was Aid to Families with Dependent Children (AFDC) or Supplemental Social Security Income (SSI) eligible at the time of removal from the home and at the initiation of the adoptive placement and within the month of filing the adoption petition; c) If the child has documented disabilities, DCS shall apply for SSI benefits prior to the finalization; d) The adoption assistance agreement will be reduced by the amount of the SSI benefits; e) The child was eligible for adoption assistance through Title IV-E funding in a previous adoption and the adoption dissolved or the adoptive parents are deceased. f) Reasonable efforts to place the child without adoption assistance have been met. Reasonable efforts can be met when: <ul style="list-style-type: none"> ◆ The resource parents or relatives are adopting the child and they already have a significant relationship with the child and it is in the best interest to remain with the family; or ◆ A full disclosure of the child's history is presented to a new resource family, the family identifies a specific factor or condition that would prevent the adoption without adoption assistance <u>and</u> no other solution that would be in the child's best interest can be found. g) Once reasonable efforts have been established, the determination is documented in TNKids and/or the adoption assistance case file and any identified factor(s) or condition(s) should be made a part of the adoption assistance packet. <p>2. Any child who is not eligible for Title IV-E funding, but was in the custody or guardianship of DCS immediately prior to the initiation of the adoption proceedings may be eligible for adoption assistance through State funding, if special needs criteria are met.</p>

D. Adoption Assistance Request Process

1. Adoption assistance through Title IV-E funding is requested in either the state of placement or residence. When the child is placed for adoption by the state agency, adoption assistance is requested in the state responsible for placement of the child.
2. Adoption assistance that is paid through state funds must be requested in the state responsible for placement of the child.
3. Documentation must be gathered and reviewed with the adoptive parents in order to determine the child's eligibility for Adoption Assistance.
4. The documentation must include a statement from the child's physician or treatment professional that provides the diagnosis and prognosis and identifies any current treatment being provided, if applicable.
5. The **Permanency Specialist**, or the Private Provider Representative when appropriate, will assist the adoptive parents to gather their initial supporting documentation.
6. During the initial Adoption Assistance negotiation, the following information must be explained to the prospective adoptive parents:
 - a) All known medical/psychological/psychiatric needs of the child;
 - b) If the parent *elects* not to cover the child under *available* group family plan, TennCare will be the only available payment option for medically necessary expenses;
 - c) Children receiving adoption assistance through the federal IV-E funding are eligible for Medicaid regardless of the state of residence;
 - d) Children receiving adoption assistance through state funding will be eligible for **TennCare (or successor plan)** in Tennessee if the child has medical or rehabilitative needs. Children receiving adoption assistance through state funding may be eligible for Medicaid if residing outside Tennessee depending on the regulations of that state;
 - e) Adoption assistance will not pay medical, psychological, psychiatric, dental, hospitalization, **residential treatment** services or for medical equipment for a child who is eligible for private insurance or TennCare/Medicaid.
7. Following the documentation review and discussion regarding the child's current status if the child meets eligibility, and if the family agrees to continue the process, they will work with the permanency specialist to complete an ***Intent to Adopt/Adoption Assistance Application, form CS-0460***.
8. This form will solidify the family's intention to provide permanence through adoption for the child, allow them to request payment of non-recurring expenses and/or subsidy, and will inform them of the proposed adoption assistance benefits prior to the adoption finalization.
9. If the only conditions or factor upon which a child is eligible for adoption assistance are age or minority heritage, the only payments requests appropriate would be the regular daily payment amount and non-recurring expenses.
10. In cases where a child's needs are beyond the scope of a regular rate, a ***Special or Extraordinary Board Rates Request, form CS-0674*** must also

	<p>be presented with form CS-0460.</p> <p>11. In cases of deferred adoption assistance, the only payments requests appropriate would be for non-recurring expenses. Form, CS-0460 would be prepared, to outline the non-recurring expense costs, but the dollar amount for the monthly amount for the adoption assistance maintenance payment will be zero, until such time that the child developed symptoms connected to the identified risk.</p> <p>12. During the adoption assistance negotiation process the adoptive parents must provide documentation specifying if private insurance is available and if the family plans to place the child on the policy. It is acceptable if the family plans to add the child to a state sponsored insurance plan (i.e. TennCare).</p>
E. Adoption Assistance Agreement	<p>1. The <u>initial</u> Adoption Assistance Agreement, form CS-0513 must be completed without leaving blank spaces, using N/A as appropriate. It must also be reviewed, approved and signed by the Team Coordinator of the Permanency Specialist. The Permanency Specialist's Team Leader may sign all revisions or renewal/re negotiations.</p> <p>2. Services for treatment related to a diagnosis documented prior to finalization will be included in the initial agreement with a notation under cost as "TennCare (or successor plan) rate."</p> <p>3. The Permanency Specialist will review the Adoption Assistance Agreement, form CS-0513, with the adoptive family and secure their signature prior to finalization. The information on this form will include rates to be paid for the conditions discussed during the negotiation period and approved on form CS-0460.</p> <p>4. All Adoption Assistance Agreements must be completed prior to the adoption finalization. Adoption assistance payments can begin following the adoption finalization and cannot be made prior to that time. The family will receive foster care board payments until the finalization occurs.</p> <p>5. Adoption assistance payments are made monthly based on a daily payment amount.</p>
F. Payments and Services Included in Adoption Assistance	<p>1. Payments and/or services included in the Adoption Assistance Agreement will be based on the conditions that are supported by the accompanying documentation.</p> <p>2. Payments and services for Adoption Assistance Agreements signed on or after August 23, 2006, can only be made in accordance with form CS-0513 and DCS Policy effective at the date of its renewal/re negotiation.</p> <p>3. When the Adoption Assistance Agreement was initially approved on or after October 1, 1997, payment for medical, psychological/psychiatric, dental, hospitalization, residential treatment or medical equipment will only be made through adoption assistance when the child is <u>ineligible</u> for private insurance and TennCare (Medicaid). The child's ineligibility cannot be a result of the resource family's failure to make application to insure the child.</p> <p>4. For Adoption Assistance Agreements initiated prior to October 1, 1997,</p>

	<p>services will be provided as outlined in the agreement, provided it is supported by the documentation submitted at renewal.</p> <ol style="list-style-type: none"> 5. A statement from the treatment professional must be obtained documenting that treatment is medically necessary. 6. If the State of Tennessee has a contract with the provider, the state contracted rate will be the maximum payment. 7. If the State does not have a contract with the provider, the maximum payment for the service will be the TennCare (Medicaid) rate for that service.
G. Payments and Services Not Included in Adoption Assistance	<p>The following items or services cannot be considered in determining the adoption assistance rate:</p> <ol style="list-style-type: none"> 1. School Tuition and/or tutoring; 2. Summer Camp or Day Care; 3. Riding Therapy, Dance or Gymnastics; 4. Computers and/or Computer Software; <ul style="list-style-type: none"> ◆ (Exceptions may be made for severely handicapped children) 5. Dentistry or Orthodontia; <ul style="list-style-type: none"> ◆ (Exceptions may be for documented cases of medical necessity) 6. Vehicles to transport children; 7. Major Home Renovations; and <ul style="list-style-type: none"> ◆ (i.e. fences, pools, extra rooms, or accessibility modifications) 8. Routine medical expenses. <ul style="list-style-type: none"> ◆ (i.e. Over the counter medications, doctor visits or hospitalizations unrelated to the child's documented special needs)
H. Adoption Assistance Rates	<ol style="list-style-type: none"> 1. The Adoption Assistance Rates are categorized in four levels: <ol style="list-style-type: none"> a) The Deferred Adoption Assistance Rate is a zero dollar amount until such time that the child presents symptoms of a condition attributed to the identified risk factors; <ul style="list-style-type: none"> ◆ A collection of current documentation must be completed by the adoptive parents to be submitted for review by departmental staff to determine if another rate is appropriate. b) The Regular Adoption Assistance Rate, is \$20.57 per day for children up to age 11 years and \$24.18 per day for children 12 years of age or older; c) The Special Circumstance Adoption Assistance Rate is \$22.64 per day for children up to 11 years of age and \$26.60 per day for children 12 years old or older; d) The Extraordinary Adoption Assistance Rates are determined on a

	<p>case-by-case basis, but do not exceed \$60.00 per day.</p> <ol style="list-style-type: none"> Each rate is negotiated, based on the age of the child and a review of the child's documented level of need, and is <u>not</u> linked to the means of the resource family. The Adoption Assistance Rate may not exceed the amount of a child's final or most recent resource home board rate payment. Any approved adoption assistance will be paid according to the terms outlined in Adoption Assistance Agreement, form CS-0513, subject to funding availability and may be modified at the annual renewal/renegotiation based on changes in policy or significant changes in the child's circumstances.
	<ol style="list-style-type: none"> The regular rate is available to any child who meets the criteria outlined in <i>Section A</i> of the procedural portion of this policy. If there are significant changes in the child's circumstances and the adoptive family wishes to request a different rate, the steps outlined for the special or extraordinary rates must be completed.
J. Special Circumstance Adoption Assistance Rates	<ol style="list-style-type: none"> Special circumstance rates are designed for children with unique needs due to a diagnosed medical or mental health condition or a child who requires a level of supervision exceeding that of his/her peers or extra care due to physical, emotional, or mental handicaps. Children with special behavioral problems or alcohol and drug issues may also be eligible. Permanency Specialists must complete Section A of the Special or Extraordinary Board Rates Request, form CS-0674 and submit it to the team leader prior to placement of the child in a resource home. If the child is residing in a Private Provider resource home, or the family requests approval of the special circumstance rate, the Private Provider representative, in collaboration with the Permanency Specialist, must complete the form CS-0674 and submit it, along with supporting documentation from the treating professional involved with the child. The request must include documentation of the rate the Private Provider pays the resource parent. The team leader shall, within five (5) working days, respond in writing to the request. If approved, a copy of the approval, along with the supporting documentation must be filed in the child's adoption assistance case file and sealed in the adoptive case record after finalization. The Central Office Review Committee is available to provide assistance in cases where negotiations have reached an impasse at the regional level.
K. Extraordinary Adoption Assistance Rates	<ol style="list-style-type: none"> Extraordinary Adoption Assistance rates are reserved for children who are placed for adoption whose needs are so unique and extensive that they cannot be met at the regular or special circumstance rate. The Permanency Specialist may submit a request to the Regional Administrator/designee for an extraordinary rate. The Regional Administrator/designee will work with the Regional Health Units regarding children who may meet criteria, as outlined

	<p>in the scope of services, for medically fragile.</p> <ol style="list-style-type: none"> 2. The request must be made in writing to The Regional Administrator/designee, utilizing the Special or Extraordinary Board Rates Request, form CS-0674, and attaching medical and/or psychological documentation, as well as a functional assessment, pre-placement summary and/or any additional material needed to adequately describe the child's condition. 3. If the child is residing in a Private Provider resource home, the Private Provider Representative, in collaboration with the Permanency Specialist, must submit the request, Form CS-0674, and supporting documentation to the Regional Administrator/designee responsible for approving adoption assistance. The request must include documentation of the rate the Private Provider pays the resource parent. 4. The Regional Administrator/designee shall review the request for an extraordinary rate within five (5) days of receipt: <ol style="list-style-type: none"> a) The Office of Foster Care and Adoption will provide updated rate codes to the Permanency Specialist and Private Provider Representative, so they may proceed with the regional process for contract completion; b) A copy of the approval, along with the supporting documentation, must be filed in the child's adoption assistance case file and sealed in the adoptive case record after finalization. 5. An eligibility determination for an Extraordinary Resource Home Board Rate does not guarantee eligibility for an Extraordinary Adoption Assistance Rate. Only after a review of the current documentation presented with form CS-0674, will it be possible to determine the appropriate adoption assistance rate. 6. An adoptive parent may request re-negotiation of the adoption assistance rate at any point after the initial approval, if the child's needs have changed. When the parent requests an increase in the adoption assistance rate, they must be informed that current medical/psychological documentation must be provided. The documentation must be reviewed to determine if the current level of assistance is still appropriate. 7. The Central Office Review Committee is available to provide assistance in cases where the negotiations have reached an impasse at the regional level.
L. Non-recurring Adoption Assistance	<ol style="list-style-type: none"> 1. Funding for non-recurring expenses related to the finalization of an adoption is available to any child who meets the definition of special needs as defined in Section A of the procedural portion of this policy. Non-recurring expenses can be paid only one time up to a maximum of \$1500.00 per child. 2. The Private Provider Representative, in collaboration with the Permanency Specialist, should determine the eligibility for non-recurring expenses prior to the adoptive placement but must make the determination prior to finalization. 3. The non-recurring expenses may include one or a combination of the following related to the finalization of the adoption: <ol style="list-style-type: none"> a) Attorney fees not to exceed \$ 1,000.00; b) Court Costs

	<ul style="list-style-type: none"> c) Birth Certificate Cost; d) The application fee, a home study by a private child placing agency, and supervision of placement; e) Travel expenses such as transportation and lodging for the prospective adoptive parent(s) related to the placement of a child with an out of county or out of state family. Any exceptions related to the transportation of a child during the process of placement must be referred to the Regional Administrator/Designee. Travel must be in accordance with state travel regulations; f) Health and Psychological Examination, if required and related to completing the home study. <p>4. Once the documentation of the non-recurring costs is received, the permanency specialist will verify the expenses and enter them onto form CS-0460 and CS-0513.</p>
M. Reimbursement of Non-recurring Adoption Assistance	<ul style="list-style-type: none"> 1. Non-recurring legal expenses will not be reimbursed until: <ul style="list-style-type: none"> a) Finalization of the adoption of the child, except in cases of a disruption. b) A final decree of adoption has been received in the DCS office, and c) The attorney has submitted the bill for payment in all cases, including cases in which the adoptive placement has disrupted. In cases of disruption, DCS can only pay for services provided up to the point of the disruption. 2. All other non-recurring expenses may be paid upon receipt of bill and at the time of adoptive placement and the Adoption Assistance Agreement is in effect. 3. The Permanency Specialist and Private Provider Representative, when appropriate, will complete the Standard Claim Form, CS-0493 and a Substitute W-9. The amounts on form CS-0493, form CS-0513, form CS-0460, the attorney statement must be consistent in order for payment to be made. 4. Form CS-0493 and the Substitute W-9, with the required original signatures, and a copy of the itemized attorney fee letter must be submitted to Fiscal Services in Central Office for payment. Copies of all related adoption assistance documentation must be maintained in the adoption assistance case file.
N. Adoption Assistance Revisions or Renewal/Renegotiations	<ul style="list-style-type: none"> 1. Renewal/renegotiation of adoption assistance is required annually in order for adoption assistance, paid at any rate, to continue. The resource parents must return a completed Adoption Assistance Renewal Affidavit, form CS-0459 within the timeframes outlined in form CS-0513. 2. Revisions may be requested at any time the there is a significant change in the child's circumstance and the resource family can provide the

	<p>required/requested documentation.</p> <ol style="list-style-type: none"> 3. For all children who are approved for a special or extraordinary adoption assistance rate, the adoptive parents must attach documentation received from the service provider, in addition to form CS-0459. This documentation must verify the following: <ol style="list-style-type: none"> a) Current diagnosis, prognosis, and summary of treatment services for the previous year; b) An estimated summary of services which will be necessary to meet the continued special or exceptionally uncommon needs of the child. 4. At the time of renewal, if the supporting documentation shows that the adoptive child's condition has improved, the state shall work with the parents renegotiate the subsidy agreement to the age appropriate adoption assistance rate. 5. Renewal/renegotiation requests for special or extraordinary rates will revert to the age appropriate regular adoption assistance rate if or until the supporting documentation is submitted and approved; this is provided form CS-0459 was returned completely and timely. Once the appropriate documentation is received, reviewed, and approved for a special or extraordinary rate, the identified rate can begin upon approval. No retroactive payments of the special or extraordinary rate amounts will be made. 6. Documentation of continued eligibility is required annually for children who receive adoption assistance at any rate. The adoption assistance payments granted at the time of renewal will reflect the child's current, documented level of need.
<p>O. Termination of Adoption Assistance</p>	<p>Termination will occur if any one of the following circumstances occur:</p> <ol style="list-style-type: none"> 1. Upon the adoptive parent(s) request; 2. If the adoptive parents' legal responsibility to the child ends; 3. If the provider determines that the child is no longer receiving financial support from the adoptive parent(s); <ul style="list-style-type: none"> ◆ If a child is receiving state funded residential treatment or enters state custody, the rate will be reduced to three cents (\$0.03) per day until such time that the child is reunified with the adoptive parents. 4. Upon the conclusion of the terms of the Adoption Assistance Agreement; 5. If the child marries; 6. If the child joins active military service; 7. If the child dies; or, 8. If the adoptive parent(s) dies, <ul style="list-style-type: none"> ◆ When the person with whom a subsidy agreement is made dies before the adoptive child reaches age eighteen (18), maintenance subsidy payments can be continued to the legal guardian named by the parent of the child until he or she reaches age eighteen (18) or, in some cases twenty-one (21), once the guardian legally adopts the child. The request and agreement procedure would be the same as outlined in sections D &

	<p>E above.</p> <ol style="list-style-type: none"> 9. If the Department of Children's Services determines that the family fails to complete the renewal/renegotiation process within the time frames outlined in the Adoption Assistance Agreement, 10. The child reaches the age of 18, is no longer in high school, and the Adoption Assistance is state funded, or <ul style="list-style-type: none"> ◆ For Title IV-E children, adoption assistance will be provided until the child is 21 years of age if the child has a documented mental or physical handicap, which warrants continuation.
<p>P. Appeals</p>	<p>Adoptive parent(s) may appeal the Department's decision to deny, terminate or change their child's Adoption Assistance in accordance with rules and procedures of the State's fair hearing and appeal process. Adoptive parents must appeal an adverse decision within ten (10) business days of written notice of adverse action. Adoption Assistance may continue pending the determination of an appeal, but payments will be suspended for appeals filed for circumstances identified in Section O above. Families who receive a favorable ruling in their hearing would be entitled to assistance that had been suspended. If adverse action is upheld during an appeal, payments continued during the appeal period will be considered an overpayment and will be subject to recovery. The following are the steps of the appeals process:</p> <ol style="list-style-type: none"> 1. If the DCS determines that Adoption Assistance will be denied, terminated or changed, the Permanency Specialist or Adoption Assistance Designee must notify the resource family immediately, in writing, utilizing a Notice of Denial Termination, or Change in Adoption Assistance letter, CS-0686. An Appeal for Fair Hearing, form CS-0403 must be given to the adoptive parent(s) at the same time the Notice of Denial, Termination, or Change in Adoption Assistance letter is given. 2. The notice letter, CS-0686, must be dated with the same date it is <u>mailed</u> or, if hand delivered, the date it is hand delivered to the family. 3. The Administrative Procedures Division must also be sent a copy of all notification documents that were provided to the adoptive family. 4. The family must be informed about the timeframe in which they have to file an appeal. They must also be provided with the fax number and the mailing address to send the Appeal for Fair Hearing, form CS-0403. 5. The Administrative Procedures Division will notify the appropriate county office if an appeal of adoption assistance is received. Once notified by the Administrative Procedures Division, the county must follow the direction of that office to ensure due process protocol is followed. 6. DCS staff must complete an appeal summary as directed by the Administrative Procedures Division. 7. Additional information may be accessed by contacting the TN DCS Administrative Procedures Division at: <p style="text-align: center;">1268 Foster Avenue, NIX 1 Nashville, TN 37243</p>

	Phone: # 615-741-1110 FAX: 615-741-4518
Forms:	<u>CS-0460 Intent to Adopt/Adoption Assistance Application</u> <u>CS-0674 Special or Extraordinary Rate Request</u> <u>CS-0513 Adoption Assistance Agreement</u> <u>CS-0459 Adoption Assistance Renewal Affidavit</u> <u>CS-0686 Notice of Denial, Termination, or Change in Adoption Assistance</u> <u>CS-0403 Appeal for Fair Hearing</u> <u>CS-0493 Standard Claim Form</u> <u>Substitute W-9</u>
Collateral Documents:	<i>Documentation to support the Adoption Assistance Agreement</i> <u>Protocol for Making an Adoptive Placement</u>